

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

24.09.2004

Applicant's or agent's file reference
P20758WO

IMPORTANT NOTIFICATION

International application No.
PCT/EP 03/09086

International filing date (day/month/year)
16.08.2003

Priority date (day/month/year)
10.09.2002

Applicant
ECOLAB INC. et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



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REC'D JIAPTO



PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 28 SEP 2004

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Applicant's or agent's file reference P20758WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/09086	International filing date (day/month/year) 16.08.2003	Priority date (day/month/year) 10.09.2002
International Patent Classification (IPC) or both national classification and IPC C11D3/37		
Applicant ECOLAB INC. et al.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.
 - ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

- This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 13.03.2004	Date of completion of this report 24.09.2004
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Hillebrecht, D Telephone No. +49 89 2399-8168 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP 03/09086

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-10 as originally filed

Claims, Numbers

1-15 received on 27.07.2004 with letter of 26.07.2004

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-15
	No: Claims	
Inventive step (IS)	Yes: Claims	1-15
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-15
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP 03/09086

Reference is made to the following documents:

- D1: EP-A-0 959 125 (PINGO ERZEUGNISSE WELSCH & KUFFNER) 24 November 1999
D2: US-A-5 770 548 (LESKOWICZ JAMES J ET AL) 23 June 1998
D3: DE 199 36 179 A (HENKEL ECOLAB & CO OHG) 8 February 2001

V. The subject-matter of claim 1 is novel in view of the documents cited herein above and involves an inventive step. (Article 33 (1) to (3) PCT)

1. Claim 1 defines the use of a composition for cleaning vehicle surfaces. The composition comprises a sequestrant selected from polyamino acids and polycarboxylic acids and gluconic acid as an additional component.

D2 shows vehicle cleaners comprising a polyacrylate. A preferred sequestrant is gluconic acid. See D2, column 1, line 12 to column 2, line 13 which disclose compositions comprising hydrophobic polyacrylates and optionally, but preferably a further sequestrant, i.a. gluconic acid. Since the use for cleaning vehicle surfaces is only a further option, novelty has to be acknowledged. D2 teaches that compositions comprising acrylic copolymers and an alkali silicate are suitable for cleaning cars, column 4, lines 10 to 18. Although one could argue that it was obvious to add gluconic acid to the compositions of D2 in order to improve the cleaning performance of the compositions, the skilled worker would not have expected the high soil removal performance without attacking the metal surfaces as shown in the examples. Especially the comparison of Comp.2 and Ex.2 on page 9 of the application shows that the performance of the inventive composition was highly increased, although Comp. 2 comprises citric acid and EDTA in comparable amounts, which are sequestrants and polycarboxylic acids.

D1 discloses a hard surface cleaning composition, especially for cars, comprising polyacrylic acid, see D1, claim 1, paragraphs 0002, 0009, and 0010, example 2. D1 is silent on gluconic acid.

D3 teaches that stains occurring in the pharmaceutical and cosmetic industry can be effectively removed by cleaning compositions comprising polyamino acids. Combinations with gluconic acids are especially contemplated, see D3, claims, examples, page 2, line 19 to page 3, line 31. However, due to the very different

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EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP 03/09086

nature of such stains regarding stains on vehicles, the skilled worker would not seriously contemplate to use the compositions of D3 for cleaning vehicle surfaces.

2. The specification was not adapted to the claims on file (Article 6 PCT).

New Claims

1. Use of a composition containing one or more components with complexing properties selected from the groups comprising polyamino and polycarboxylic acids and the salts thereof and gluconic acid as an additional component with complexing properties for cleaning vehicle surfaces.
2. Use according to claim 1, characterized in that it contains polyaspartic acid and/or a copolymer based on aspartic acid as a component with complexing properties.
3. Use according to any of claims 1 or 2, characterized in that it contains 0.1 to 75 % by weight, particularly preferably 0.5 to 50 % by weight, of the aforementioned components with complexing properties, based on the total weight of vehicle cleaning composition.
4. Use according to any of claims 1 to 3, characterised in that a nonionic surfactant is additionally contained.
5. Use according to claim 4, characterized in that the nonionic surfactant is selected from the group comprising alkoxylated fatty alcohols which are optionally terminated by end groups and/or alkyl polyglycosides and/or alkoxylated fatty amines.
6. Use according to any of claims 1 to 5, characterized in that the pH of the vehicle cleaning composition ranges from 4 to 10, preferably from 5 to 9 and particularly preferably from 6 to 8.
7. Use according to any of claims 1 to 6, characterized in that the vehicle cleaning composition contains 0.1 to 30 % by weight of polyaspartic acid, based on the total weight of vehicle cleaning composition.
8. Use according to any of claims 2 to 7, characterized in that the vehicle cleaning composition contains 0.1 to 30 % by weight of polyaspartic acid and 0.1 to 50 % by weight of gluconic acid, based on the total weight of vehicle cleaning composition.
9. Use of vehicle cleaning compositions according to any one of claims 1 to 8 for removing metal dust-containing and/or abraded metal-containing residues

which adhere firmly to vehicle surfaces.

10. Use according to claim 9, characterized in that the removal of metal dust-containing and/or abraded metal-containing residues adhering firmly to vehicle surfaces is carried out in a separate cleaning stage detached from the conventional cleaning of vehicles, before or after the conventionally performed cleaning of
5 the vehicles to be cleaned.

11. Use according to claims 1 to 10 wherein the cleaning composition is diluted with water, so that the ready-to-use cleaning solution contains 0.025 to 100 g/l of at least one of the aforementioned components with complexing properties.

10 12. Use according to claim 11 wherein the cleaning composition is diluted with water, so the ready-to-use cleaning solution contains 0.025 to 100 g/l of at least one of the aforementioned components with complexing properties and additionally 0.05 to 50 g/l of the aforementioned nonionic surfactant.

13. Use according to claims 1 to 12 wherein the cleaning solution is produced
15 by mixing a solution containing at least one of the aforementioned components having complexing properties with a solution containing the aforementioned non-ionic surfactant, a ready-to-use cleaning solution containing 0.025 to 100 g/l of at least one of the aforementioned components with complexing properties and additionally 0.05 to 50 g/l of the aforementioned nonionic surfactant being obtained,
20 optionally after further dilution.

14. Use according to claims 1 to 13 wherein the cleaning solution is applied to the surface of the vehicle and is rinsed off with water after the cleaning operation.

15. Use according to claims 1 to 14 for the cleaning of wheel rims.